From: Ian Penney
To: Microsoft ATR
Date: 1/23/02 10:50am
Subject: Microsoft Settlement

I feel the recent Microsoft Antitrust settlement is seriously flawed,
mainly because the Proposed Final Judgement Fails to Prohibit
Anticompetitive License Terms currently used by Microsoft. Particularly,

Microsoft discriminates against ISVs who ship Open Source applications
The Microsoft Windows Media Encoder 7.1 SDK EULA
<http://www.kegel.com/remedy/wmenco.txt> states

> * ... you shall not distribute the REDISTRIBUTABLE COMPONENT in
> conjunction with any Publicly Available Software. "Publicly
> Available Software" means each of (i) any software that contains, or
> is derived in any manner (in whole or in part) from, any software
> that is distributed as free software, open source software (e.g.
> Linux) or similar licensing or distribution models ... Publicly
> Available Software includes, without limitation, software licensed
> or distributed under any of the following licenses or distribution
> models, or licenses or distribution models similar to any of the
> following: GNU's General Public License (GPL) or Lesser/Library GPL
> (LGPL); The Artistic License (e.g., PERL); the Mozilla Public
> License; the Netscape Public License; the Sun Community Source
> License (SCSL); ... *

Applications potentially harmed by this kind of EULA include the
competing middleware product Netscape 6 and the competing office suite
StarOffice; these EULAs thus can cause support problems for, and
discourage the use of, competing middleware and office suites.

As a systems administrator this directly effects the quality of software
I can expect and the integration levels they can achieve with Microsoft
Products. This cripples them in several ways.

Thank you for your consideration.

-Ian Penney / Systems Administrator
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